

## CITY COUNCIL PROCEEDINGS

December 7, 2010

1. **CALL TO ORDER AND ROLL CALL**

Mayor Osborne called the regular December 7, 2010 council meeting to order at 6:05 p.m. in the council chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

A. **Lhasa, Tibet Sister City Award Presentation. – 6:07 p.m.**

Bill Warnock, Chair of the Boulder Lhasa Sister City Project, presented an award given to the City of Boulder and the Lhasa Sister City Project by the Chinese People's Association for Friendships with Foreign Countries in honor of sustainability and humanitarian projects.

Mayor Osborne announced that the regular December 21, 2010 business meeting would begin early at 5 p.m. A study session on clean energy would begin at 7 p.m. or immediately following the business meeting.

2. **PUBLIC PARTICIPATION and COUNCIL/STAFF RESPONSE – 6:12 p.m.**

1. Seth Brigham objected to the lack of public process regarding the council rules of decorum and wanted council to incorporate state statutes around free speech. He also objected to the practice of reducing speakers' time from 3 to 2 minutes. He then spoke to the outdoor policy on the Pearl Street mall and urged businesses to close their doors to conserve energy.
2. Cosima Krueger-Cunningham spoke to the impacts of off leash dogs to individuals noting the potential health impacts, particularly to seniors, and the liability that dog owners could face. She suggested dogs should be under complete physical control and the Humane Society was clearly under budgeted and under staffed.
3. Kathy Wellman, a 45 year resident, spoke to the council benefits issue noting that not a single dime of taxpayer money would be spent and she supported council's access to health insurance. However, she believed that access to this privilege should be voted upon by the residents, or the vote should be to allow future council's to access this benefit.
4. Elizabeth Allen spoke to the South of Downtown area project and asked council to steer away from urban design. Regarding the Diagonal Plaza, she spoke in opposition to a big box store and supported businesses that would pay a higher wage. She suggested council tax single occupancy vehicles coming into Boulder.
5. Terri Sternberg thanked council on behalf of the entire homeless community for approving funding for BOHO for the winter. She noted a group had been discussing healthcare and a respite care center for the homeless. They would also like to see a bus stop at the Library from the shelter.
6. Craig Eicher with Xcel Energy spoke to consent agenda item 3G regarding the right-of-way permits. Xcel did not feel the amendment was necessary and the Xcel legal team had been communicating with the City Attorney's office. He respectfully asked council to table the item and indicated Xcel would like to continue its work with City staff.

City Manager Response: - 6:30 p.m.

None.

City Attorney Response:

City Attorney Tom Carr confirmed there were ongoing discussions with Xcel which were not as far along two weeks ago when the agenda memo was due. He thought the ordinance was a good one but no harm would come if council were to delay the item while permit negotiations with Xcel continued.

City Council Response:

None.

3. **CONSENT AGENDA: - 6:35 p.m.**

- A. **CONSIDERATION OF A MOTION TO APPROVE THE NOVEMBER 3, 2010 COUNCIL MEETING MINUTES.**
- B. **CONSIDERATION OF A MOTION TO APPROVE THE NOVEMBER 16, 2010 COUNCIL MEETING MINUTES.**
- C. **CONSIDERATION OF A MOTION TO ACCEPT THE NOVEMBER 9, 2010 STUDY SESSION SUMMARY ON TRANSPORTATION FINANCE.**

**CONSIDERATION OF A MOTION TO ADJOURN FROM CITY COUNCIL AND CONVENE AS THE UNIVERSITY HILL COMMERCIAL DISTRICT BOARD OF DIRECTORS AND;**

- D. **CONSIDERATION OF A RESOLUTION AMENDING THE 2010 UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY UHGID FUND) BUDGET.**

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE UNIVERSITY HILL COMMERCIAL DISTRICT BOARD OF DIRECTORS AND RECONVENE AS CITY COUNCIL.**

- E. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7768 PROPOSING AN AMENDMENT TO TITLE 9, "LAND USE CODE" B.R.C. 1981 RELATED TO SECTION 9-7-7, "BUILDING HEIGHT, APPURTENANCES," B.R.C. 1981.**
- F. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 7769 CODIFYING THE UTILITY OCCUPATION TAX ON PUBLIC UTILITY COMPANIES THAT DELIVER ENERGY TO CUSTOMERS IN THE FORM OF ELECTRICITY AND GAS APPROVED BY THE VOTERS IN THE NOVEMBER 2, 2010 GENERAL ELECTION BY THE ADDITION OF A NEW TITLE 3, CHAPTER 13, B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.**

- G. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7770 AMENDING SECTION 8-6-6, B.R.C. 1981, TO REQUIRE PERMITS OR LEASES FOR ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY AND PUBLIC EASEMENTS, AND SETTING FORTH RELATED DETAILS.**
- H. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 7771 CONCERNING THE PUBLIC ACCOMMODATIONS TAX, INCREASING THE TAX RATE AND MAKING THE FUNDS AVAILABLE TO PAY FOR THE GENERAL EXPENSES OF GOVERNMENT, AS APPROVED BY THE VOTERS IN THE NOVEMBER 2, 2010 GENERAL ELECTION BY THE REVISION OF CHAPTER 3-3, "PUBLIC ACCOMMODATIONS TAX," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.**
- I. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7772 AMENDING CHAPTERS 4-20, "RENTAL LICENSE FEE," 10-2 "HOUSING CODE," WHICH INCORPORATES THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), AND 10-3, "RENTAL LICENSE," ALL OF WHICH ARE CORRECTIONS TO ORDINANCE NOS. 7724, 7725, AND 7726 AND SETTING FORTH RELATED DETAILS.**
- J. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7773 APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE 2010 BUDGET.**
- K. **CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO A DEVELOPMENT PROJECT PROPOSED FOR A BOULDER COUNTY PROPERTY IDENTIFIED AS 1000 ROSEWOOD AVENUE AND AN ASSOCIATED CITY OWNED PARCEL/RIGHT-OF-WAY IMMEDIATELY NORTH OF THE SUBJECT PROPERTY:**
1. **A RESOLUTION FINDING THE ANNEXATION PETITION IN COMPLIANCE WITH STATE STATUTES AND ESTABLISHING JAN. 18, 2011 AS THE DATE FOR A PUBLIC HEARING.**
  2. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, AN ORDINANCE ANNEXING 2.26 ACRES OF LAND GENERALLY LOCATED AT 1000 ROSEWOOD AVENUE WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL MEDIUM – 1 (RM-1). THE ANNEXATION IS PROPOSED WITH A 7.4% OPEN SPACE REDUCTION.**
  3. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, AN ORDINANCE VACATING AN APPROXIMATELY 0.06 ACRE PORTION OF RIGHT-OF WAY NORTH OF 1000 ROSEWOOD AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION AND QUIT CLAIM DEED PURSUANT TO SECTION 2-2-8,**

**“CONVEYANCE OF CITY REAL PROPERTY INTEREST,” B.R.C. 1981.**

4. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, AN ORDINANCE REZONING AN APPROXIMATELY 0.06 ACRE PORTION OF LAND GENERALLY LOCATED NORTH OF 1000 ROSEWOOD AVENUE FROM INDUSTRIAL – MIXED SERVICE (IMS) TO RESIDENTIAL MEDIUM – 1 (RM-1) ZONING CLASSIFICATION. (#LUR2010-00033) APPLICANT: COBURN DEVELOPMENT, INC. PROPERTY OWNER: DK DEVELOPMENT, LLC**

Council Member Karakehian recused himself from consent agenda item 3K.

Council Member Gray moved, seconded by Becker to approve consent items 3A through 3K. The motion carried unanimously.

4. **CALL- UP CHECK IN: - 6:37 p.m.**

No interest was expressed.

**ORDER OF BUSINESS**

5. **PUBLIC HEARINGS:**

- A. **CONSIDERATION OF A MOTION PROVIDING DIRECTION ON THE FOLLOWING KEY POLICY AREAS FOR THE BOULDER RESERVOIR MASTER PLAN: - 6:38 P.M.**

1. **BOATING**
2. **WEST SHORE USE**
3. **NORTH SHORE AND COOT LAKE USE**
4. **SPECIAL EVENTS**

Parks and Recreation Director Kirk Kincannon provided the introduction on the item. The master plan would identify goals and objectives of the Reservoir, establish policies and guide long term investment.

Bev Johnson then reviewed what was accomplished in Phase I. Phase II preliminary options were developed early in 2010. Refinement and evaluation of the options took place and options were posted online in October and a public meeting was held. Two study sessions with the Parks and Recreation Advisory Board were held in October. The staff recommendation was available in early November. The Water Resources Advisory Board (WRAB) and Parks and Recreation Advisory Board (PRAB) recommendations were available in November.

**Boating Options:**

She then reviewed the boating options and indicated that staff recommended option 2. The WRAB supported option 2 with annual reports on the aquatic nuisance species status and prevention. PRAB also supported option 2 with an amendment that motorboats and large sailboats (all trailered boats) remain on site throughout the season.

#### West Shore Use:

Staff supported option 3 for the west shore use policy. The option allowed low impact use with the development of a multi-use trail along the east side of the 51<sup>st</sup> Street right-of-way, designation of the wetland and prairie dog habitat as a Habitat Conservation Area and continuation of the aeromodeling use at its current location.

#### North Shore and Coot Lake Use:

A combination of Options 1 and 2 were recommended which continued passive uses of the area and maintained the 55<sup>th</sup> Street parking lot. It also included a dogs on-leash requirement on the pedestrian only trail around the Coot Lake wetlands. Current voice and sight rules would remain for the other areas of the North Shore and Coot Lake. Dogs could still swim on the south and east shores of Coot Lake and North Shore.

#### Special Events:

The special event policy sets a maximum for the number of events that would be allowed at the reservoir. The policy would allow up to two special events per day and 20 per month in the high season and one per day and ten per month in the low season.

Pete Webber, Chair of the Parks and Recreation Advisory Board and speaking on behalf of the Board, noted that some compromises were forged on split votes as an even number of members were in attendance at the meeting.

Council Member Appelbaum raised concern that there was not 100% cost recovery on the boat inspection program. Mr. Kinkannon indicated that a small fee was implemented that recovered a small portion of the overall costs.

Deputy Mayor Wilson commented on the PRAB recommendation that larger boats remain on site and he asked Mr. Webber to explain that recommendation. Mr. Webber commented that the Board was trying to minimize ANS (aquatic nuisance species) introduction into the Reservoir. Some members supported a total ban on motorized boating and sail boats. The recommendation was a compromise between the two sides of the argument. Mr. Wilson then asked why phasing out aeromodeling was recommended. Mr. Webber commented that the recommendation was to protect wildlife, particularly birds in the area. There was no quantifiable evidence that wildlife was negatively impacted.

Council Member Morzel asked about the timeline for phasing out aeromodeling. Mr. Webber commented that those details were not discussed as the plan itself was yet to be written and the Board was asked to keep its discussion at a higher level. She then asked about on site boats and asked if an analysis had been done on the costs and revenues that could result from a boat rental program. No analysis had been completed yet.

Council Member Ageton was interested in hearing more about deterring illegal boat launches from the north shore. She asked if the PRAB master plan defined and referred to habitat conservation areas. Staff was looking at the existing Open Space Mountain Parks protocol. Parks staff had not looked at other sites in terms of habitat conservation areas.

Council Member Karakehian raised concern about how eliminating motorized boating and/or personal watercraft would affect the EXPAND program.



Michelle Estrella, PRAB Board member, then spoke and provided her opinion from the minority side that she did not feel adequate conversation had taken place among the Board or the public about the impacts of requiring dogs on leash and eliminating the voice and sight control.

The public hearing was opened: - 8:00 p.m.

1. Ruth Schrock, Boulder resident, argued against leash laws on Coot Lake as Parks and Recreation had established no need for it and she felt residents were truly the owners of the lake.
2. Clifford Bogenschatz, Lafayette resident, had enjoyed boating on the reservoir for over thirty years but did not support the requirement to store his boat at the lake.
3. Seth Brigham suggested extending the fence and a higher penalty for dogs in the wetlands. Regarding boats he urged council to eliminate all motorized boats.
4. Julianne McCabe supported option 2 on the west shore area. The City hadn't given the fence enough time to work.
5. A.D. Chesley, Boulder resident, representing the Boulder County Nature Association, expressed concern about the western shore and wetlands area of Coot Lake. She urged council to designate the area as a habitat conservation area and contain the habitat area. Breeding bird time should be a key consideration.
6. Elizabeth Allen supported Rob Smoke's continued efforts on this issue and supported banning motorized boating.
7. Andy Malkiel pooling time with Rebecca Bavkhorn and Kitty Bradley, spoke in support of maintaining voice and site control around Coot Lake. He had collected over 400 signatures that he presented to Council. He requested more reasonable measures and more opportunity for the fence to work. Coot Lake was also the only handicap accessible, voice and site control area in Boulder.
8. Ed Mills with Fidos indicated that Fidos opposed the removal of sight and voice control at Coot Lake.
9. Dave Locke, a boater, agreed that ANS was a threat but the current process of inspections was working quite well. The inlet of water from Carter Lake posed a far greater concern. It was not an option to mandate that boats cannot leave the reservoir.
10. August J. Bruno, a member of the airomodel club noted this was the only sanctioned location in Boulder County and was a 75 year old tradition.
11. Deborah Flick supported comments from FIDOS and other dog advocates for Coot Lake.
12. Lorena Kauffman supported allowing motorized boating on the reservoir.
13. Dan Suple with Fidos raised concern that not enough public notice was given for the voice and sight control issue. More time was needed to see if the fence could be effective.
14. Mary Hiatt, Boulder County resident, spoke in support of voice and sight control for dogs.
15. Karen Zupko, Jamestown resident and frequenter of Coot Lake, noted many seniors use the trail and she would like to see voice and sight control maintained. She also emailed council a study done by OSMF on the flushing response of birds/dogs. Please consider some more scientific information.
16. Cathy Comstock, Boulder resident, spoke to the damage that had already been done to the Coot Lake area and supported the leash law and protecting the west shore. She also raised concern about increasing the number of special events during May and June breeding seasons.

17. John Sandhu, Boulder resident, spoke to the valuable family time gained from boating on Boulder Reservoir. Please don't make unnecessary rules.
18. Neil Sandhu expressed that the tagging system in Boulder was sufficient. Please don't ban motorized boating.
19. Alex Cosman, Boulder resident, disagreed that boats disturbed the wildlife and indicated he was in favor of the status quo on boating.
20. Susan Graber, Longmont resident and regular Coot Lake user, noted she had seen a handful of dogs in the habitat area and generally those people were unaware. She didn't feel there was quantitative evidence to support a change in the wildlife in the animal area. There was evidence of a large wildlife predator in the area. Please do a more scientific study.
21. Fran Blum expressed that voice and sight control was adequate. She raised concern about due public process related to dogs on trails. She asked for council's closer scrutiny and management of the public process. Please consider the review and reversal of the ordinance around dry creek.
22. John Wyss, Boulder County resident, felt there was a lot of support at six public meetings for the status quo option 1. He was surprised and concerned about where the restrictions came from. A limitation of 20 boats on the Reservoir at one time was too extreme. He also spoke to someone at Pueblo Reservoir regarding ANS noting that no major environmental impacts were found.
23. Kent Sherer, Boulder resident, noted he had never seen any altercations between dogs and wildlife. Urged council to maintain the voice and sight requirements.
24. Doug Cosman, Boulder resident and boater, spoke to the family time he spends at the Reservoir and supported option 1 to maintain the status quo on boating. Boulder is getting too restrictive.
25. Rodger Stewart, Boulder resident and member of EXPAND, a program that runs a handicap water skiing program, noted the EXPAND program would not survive, particularly if boats were required to stay on the reservoir. He supported the status quo option. The tagging system now was effective.
26. Sam Vance, Boulder resident and environmental scientist with the Environmental Protection Agency, noted that no solid data had been provided. No exceedances of the healthy parameters of a reservoir had been presented. Boating was a family pursuit that needs maintained. Forcing boat owners to store their boats there would not work. Use the data you have or need to make the decision.
27. Dean Ehn an aeromodeler and bird watcher had not seen any effect on the wildlife from his airplanes. There really was no physical contact with the wildlife habitat area and the airplanes. It's the only flying field in Boulder County.
28. Kate Barberis, unincorporate Boulder County resident and property owner, spoke in support of motorized boating. Perhaps regulating clean running boat engines would be better. The inspection system was effective.
29. Christie Smith, Boulder County resident who frequented Coot Lake, suggested the lake was important to all users. Horsetooth Reservoir also had an efficient system.
30. Les Smith expressed that the inspection and tagging was a proven winner throughout the entire state. He also supported voice and sight control.
31. Dennis Bashline noted that his two dogs had no interest in going into the wetland area and needed to run.
32. Kathy Moren, Lafayette resident, agreed that the status quo for boating would be

preferred. The City should look at the revenue including the picnic areas, gate fees etc... that could be lost. Staff should also do further analysis on the mud snail issue. Partial containment would not accomplish anything.

33. Bob McIntosh indicated nothing was broken, so don't fix it.
34. Skip Miller, 41 year resident and Chair of the Boulder Aeromodeling Society which was 75 years old, spoke to the superior status of the aeromodeling field which they support with their own funding based on the agreement with the City. He supported option 1, status quo.
35. Kristine Grosland, Boulder resident, supported maintaining the voice and sight control at Coot Lake. After the fencing, sufficient time had not been given for appropriate data. This is more of a human problem than a dog problem.
36. Bill Hayes, Longmont resident and local business owner, spoke to the adaptive water skiing program. He commended the reservoir staff and agreed with a previous speaker that the EXPAND program would die if restrictions were put into effect.
37. Renee St. Aubin thanked council for the green tag program and supported maintaining voice and sight control. She also supported maintaining horse access on the trails.
38. Alan Ward, President of Boulder Community Rowing, supported the current boat inspection program and felt there was insufficient evidence in staff's data. He also indicated it wasn't clear how a trailered boat was defined. In addition, rowing events with boats from across the country could not take place nor could those people travel to compete elsewhere.
39. David Hofmann, Boulder County resident and boater at the Reservoir, felt the reservoir was extremely well run and there was little conflict. He raised concern that renting boats created a liability. Please support the status quo.
40. Tim Dooley, resident, a boater and single dad, spoke to the important family value boating brings. He agreed the inspection system worked well. The number of boats on the lake was self regulating.
41. Steve Peterson, Boulder resident, expressed that he taught about 30 kids a year how to wakeboard or ski. Boats take a tremendous amount of maintenance and he would not be comfortable leaving them at the reservoir. Also consider grandfathering in any changes.
42. Dr. Jim Paul brought his service dog and spoke on behalf of the disabled population. Coot Lake was one of the last places disabled could take their dogs without having to try and keep up with them. The North Shore is also where low income folks go who can't afford to use the beach.

There being no further speakers the public hearing was closed at 9:40 p.m.

Mayor Osborne raised concern about cost recovery on the inspection and fees. Alice Guthrie responded that the goal was to have a self supporting program within three years. Costs of the programs had also decreased as staff became more efficient at running the program.

Deputy Mayor Wilson asked about the limit on engine size. He asked how many boats were more than 500 horsepower. Kirk Kincannon responded there were only one or two. Mr. Kinkannon also noted there was only about 300 acres of boatable water.

Council Member Gray suggested perhaps an option could be provided to exempt the EXPAND



program and their equipment. The only way she would support removing the aeromodeling field from the reservoir area would be if another piece of land was found.

9:57 p.m.

**Boating:**

Council Member Karakehian moved, seconded by Morzel to direct staff to move forward with option 1 as listed on page 21 of the agenda memo:

- Eliminating the "no personal watercraft provision" from option 1
- Phase out two-stroke engines that do not meet EPA exhaust emission standards. (two-stroke engines that meet current emission standards would be allowed.)
- No fuelling on water
- All watercraft must launch from designated areas on the South Shore
- No watercraft allowed in Coot Lake (including belly boats).
- Eliminate "Jet Ski Cove" and expand "no wake" zone at the Dry Creek inlet to protect aquatic and wetland habitat and;
- including the provision from option 2 to set limitations on the size (500 horsepower maximum).

The motion carried 6:3; Cowles, Morzel and Osborne opposed. Time of vote 10:25 p.m.

Council Member Gray moved, seconded by Morzel to suspend the rules and continue the meeting at 10:23 p.m. The motion carried 9:0 at 10:23 p.m.

Council Member Appelbaum offered a friendly amendment to direct staff to establish up to two full no wake days per week at the reservoir. The friendly amendment was accepted.

Deputy Mayor Wilson offered a friendly amendment to eliminate PWC craft except for water safety purposes and any craft used for department approved or managed programs. The friendly amendment was accepted.

Council Member Cowles moved, seconded by Morzel to direct staff to set the fees on the inspection program for full cost recovery starting in 2011. The motion carried 6:3; Ageton, Karakehian and Wilson opposed. 10:24 p.m.

**Coot Lake:**

Council Member Morzel moved, seconded by Ageton to allow voice and sight on the trail and instituting regulations that would prohibit dogs and people from going into the wetlands; to reinforce the fencing and provide better signage to educate the public, and report back to Council in 1 year on the results of the pilot program. The motion carried 9:0; 10:34 p.m.

**West Shore Use:**

Council Member Appelbaum moved, seconded by Wilson to approve the staff recommended Option 3 on page 13 of the agenda memo to:

1. Develop a city-initiated and funded soft-surface, multi-use trail along the east side of the 51st Street right-of-way to connect the North Shore trail system to the main entry gate area of the Boulder Reservoir.
2. Continue the current aeromodeling use with seasonal wildlife closures as needed.
3. Require that dogs be on-leash along the trail
4. and amending #4 to designate the wetland and shoreline as a protected area.

The motion carried 9:0 10:50 p.m.

**Special Events:**

Council Member Cowles moved, seconded by Gray to approve the staff recommendation and include the PRAB recommendation as outlined on page 5 of the agenda memo and to include more detailed cumulative impact standards aligned with the vision for the reservoir and a more tiered approach to event permitting. The motion carried 9:0. 10:55 p.m.

Council Member Morzel moved, seconded by Wilson to suspend the rules and continue the meeting at 10:58 p.m. The motion carried 8:0; Karakehian opposed.

**B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7753 AMENDING TITLE 2, GOVERNMENT ORGANIZATION, CHAPTER 1, CITY COUNCIL, B.R.C. 1981, TO ADD A NEW SECTION ON COUNCIL MEMBER BENEFITS.**

City Manager Brautigam provided a brief introduction to the item.

The public hearing was opened at 10:59 p.m.

1. Seth Brigham commented that a prior committee on council compensation disagreed with providing council member benefits. He thought it was self serving and council members were volunteers that should not receive health insurance. There being no further speakers the public hearing was closed at 11:02 p.m.

Deputy Mayor Wilson moved, seconded by Appelbaum to:

1. Amend Ordinance No. 7753 to delete, from proposed paragraph 2-2-3(c)(2), B.R.C. 1981, the word "generally" immediately before "available" to the City of Boulder Officers and Employees."
2. Adopt, as amended, Ordinance Number 7753 amending Title 2, Government Organization, Chapter 1, City Council, B.R.C. 1981, to add a new section on council member benefits.
3. Approve the following benefits and amenities, as of the effective date of Ordinance No. 7753 and as permitted by Section 2-2-3 "Council Member Benefits," B.R.C. 1981:

- Denver Regional Transportation District (RTD) EcoPasses, provided to council members since the early 1990s;
- City-provided cellular telephones and related services for conducting city business, provided to council members since 2008;
- Passes to the city's Parks and Recreation facilities, provided to council members since 2005; and
- Participation in retirement programs of the Colorado Public Employees Retirement Association or the International City Management Association Retirement Corporation, provided to council members since 1991.

The motion carried 8:1; Ageton opposed. 11:20 p.m.

**6. MATTERS FROM THE CITY MANAGER:**

None.

**7. MATTERS FROM THE CITY ATTORNEY:**

None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL: - 11:21 p.m.**

A. **POTENTIAL CALL-UPS:**

1. **SITE REVIEW FOR 4474 BROADWAY. INFORMATION PACKET DATE: DECEMBER 1, 2010. LAST OPPORTUNITY FOR CALL-UP IS DECEMBER 7, 2010. APPROVED BY PLANNING BOARD 6-0, JOHNSON ABSENT.)**

No action was taken on the item.

B. **CONSIDERATION OF A MOTION REGARDING 2010 PERFORMANCE EVALUATIONS, AND PERFORMANCE BASED SALARY ADJUSTMENTS FOR THE CITY MANAGER AND MUNICIPAL JUDGE.**

Deputy Mayor Wilson moved, seconded by Appelbaum to award a pay increase of \$7,308 (4% of base salary) to the City Manager's base salary and a pay increase of \$4,751 (4% of base salary) to the Municipal Judge's base salary and that the increases be retroactive to June 28, 2010.

C. **CONSIDERATION OF A MOTION TO APPROVE AMENDMENTS COUNCIL RULES OF PROCEDURE, INCORPORATING RULES OF DECORUM.**

Council Member Appelbaum suggested the word "shall" be replaced by the word "may" in section c. on page 8 of the agenda item.

Deputy mayor Wilson suggested section g. on page 9 be amended to read that a Board and Commission member whose board voted on a matter under consideration will be allowed to speak during the staff presentation at the beginning of the public hearing.

Council Member Appelbaum suggested the words "any of" be added to the last sentence of section g. on page 9 between "during" and "the" so that the sentence reads "The sign-up forms shall have a place for each speaker to indicate whether or not they have addressed council during public participation during any of the previous four meetings.

Council Member Ageton suggested the second and third sentences in Section A. on page 18 were redundant. Perhaps public participation could be changed to open comment. She also suggested a number 10 be added that is a reflection that we should have a safe and secure meeting setting.

Council Member Cowles suggested there was no procedure for barring someone from a meeting. Perhaps an automatic three month period when a disruptive person could be barred from the meeting.

No action was taken on the item. An amended version would return to council at a future council meeting.

9. **PUBLIC COMMENT ON MATTERS:**

1. Seth Brigham again voiced his opposition to the rules of decorum.

10. **FINAL DECISIONS ON MATTERS:**

Vote was taken on the motion to award a pay increase of \$7,308 (4% of base salary) to the City Manager's base salary and a pay increase of \$4,751 (4% of base salary) to the Municipal Judge's base salary and that the increases be retroactive to June 28, 2010. The motion carried 9:0.

11. **ADJOURNMENT**

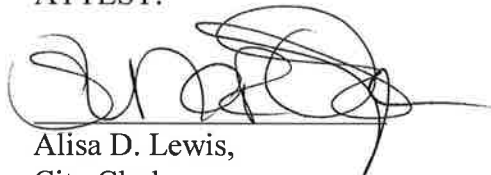
There being no further business to come before Council at this time, BY MOTION  
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 12:15 P.M.

APPROVED BY:



Susan Osborne,  
Mayor

ATTEST:



Alisa D. Lewis,  
City Clerk